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9 Attorneys for Defendant
10 M. Rothman & Co., Inc.

11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 CREDITORS ADJUSTMENT
14 BUREAU, INC.,

15 Plaintiff,

16 vs.

17 M. ROTHMAN & CO., INC.,

18 Defendant.

Case No: C 08-01431 MMC

Assigned to: Hon. Maxine M. Chesney
Dept. 7

**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING CASE BY
CONSENT**

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20 IT IS HEREBY STIPULATED by and between the parties, through their
21 respective counsel of record, that the above-entitled action be dismissed on the
22 following terms based upon a Consent Order in the Superior Court of New Jersey
23 (Bergen County Docket No. L-0289-07) ("Consent Order") relating to the final
24 resolution of the legal and equitable claims and defenses by between plaintiff's
25 assignor, Hannspree North America, Inc. (formerly Hannspree California, Inc.) and
26 defendant M. Rothman & Co., Inc.:

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1 1. The above entitled action shall be dismissed with prejudice as
2 to all pending procedural matters currently pending in the U.S. District Court for
3 the Northern District of California, including, but not limited to, Rothman's motion
4 to dismiss plaintiff's complaint under Rule 12(b)(6) of the Federal Rules of Civil
5 Procedure and Creditors Adjustment Bureau Inc.'s motion to compel arbitration or,
6 in the alternative, to stay proceedings pending completion of arbitration, both of
7 which are set for hearing on May 30, 2008 in Department 7 of this Court.

8 2. The above-entitled action shall be dismissed without prejudice
9 to the rights of plaintiff's assignor, Hannspree North America, Inc., to continue to
10 litigate its substantive claims and defenses arising out of, relating to, or connected
11 with the business relationship between Hannspree and M. Rothman & Co. in the
12 Superior Court of New Jersey (Bergen County), including, but not limited to, all
13 claims previously asserted by Rothman in the New Jersey case and by Hannspree,
14 through its assignee, in the California case as agreed under the New Jersey Consent
15 Order.

16 3. The parties stipulate and submit that the dismissal of this action
17 as set forth above is in the best interests of the parties and promotes judicial
18 economy.

19 4. All previously scheduled hearings in this Court which are
20 pending as a matter of record, including, but not limited to, the Initial Case
21 Management Conference (CMC) set for June 27, 2008 at 10:30 a.m. in
22 Courtroom 7, are hereby vacated.

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1 5. Each party shall bear its own costs and attorneys' fees relating
2 to and arising out of the California action.

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4 Dated: May 13, 2008

LAW OFFICES OF KENNETH J. FREED

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6 BY: 

KENNETH J. FREED, ESQ.

Attorneys for Plaintiff,

8 CREDITORS ADJUSTMENT BUREAU, INC.

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10 Dated: May 15, 2008

CHASSMAN & SEELIG, LLP

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12 BY: 

RHONDA E. KALEY, ESQ.

Attorneys for Defendant,

14 M. ROTHMAN & CO., INC.

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16 ORDER

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21 DATED: May 19, 2008


22 HON. MAXINE M. CHESNEY
23 U.S. DISTRICT COURT JUDGE
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